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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,910	03/31/2004	Roland Boltz	0598-1001	5706

466 7590 04/03/2007
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EXAMINER

EPFS, TODD MICHAEL

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/812,910	Applicant(s) BOLTZ ET AL.	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/20/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action after Request For Continued Examination (**RCE**) for serial number 10/812,910, Perforated Section Supporting Device Adapted To Be Fixed To A Surface Such As A Ceiling, filed on March 31, 2004.

Claim Rejections - 35 USC § 112

Claims 11-13, and 15-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, lines 3-4, it is not clearly understood how a fixing device comprising a single integral piece that is arranged to define a plate (?) and a support, and wherein the support having two opposing walls. Claim 11 showed the limitation of one plate and a support with two opposing walls perpendicular to the plate. With contradiction as shown in the drawings, the device is made with a single integral piece that is arranged to define two plates with a support, wherein the support having two opposing walls substantially perpendicular to the plates, and the plates are projectionally opposite on the right side and the left side of the walls.

Claims 12-13, and 15 are rejected as inherently depending on rejected claim 11.

Regarding claim 16, the claim showed the limitation of one plate and a support with three walls being integral with and perpendicular to the plate. The limitation is a contradiction with the drawings as shown in figures 1 and 5. As shown in the drawings,

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the device is made with a single integral piece that is arranged to define two plates with a support, wherein the support having two opposing walls substantially perpendicular to the plates, and the plates are projectionally opposite on the right side and the left side of the walls.

Claims 17-23 are rejected as inherently depending on rejected claim 16.

Claim Rejections - 35 USC § 103

Claims 11-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent No. 0108222 A2 to Rieth.

Rieth '222 discloses a fixing device (fig. 1) adapted to be fixed to a surface and to received a perforated section, wherein device comprising a plate (3) and a support (17) and having a wall (30) substantially perpendicular to a plate (3), and at least two claws (16) with the same orientation adapted to cooperate with corresponding perforations of a perforated section, wherein the wall includes a precut locking lug (18-19) adapted to be bent; wherein a support has two parallel walls (fig. 1), the distance between the parallel walls corresponds to the distance between the branches of U-section, each of the parallel walls has at least one claw (16), all claws have the same spatial orientation, and at least one of the parallel walls has a locking lug (fig. 1); wherein the claws are produced by cutting a tongue into the corresponding wall and bending it along two transverse bending lines (fig. 2), wherein the locking lug (18) is aligned with the claws on the same wall (fig. 2), and is adapted to be bent along a bending line perpendicular to the bending lines of the claws, wherein the locking lug (18) is trapezium-shaped (fig.

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2); and wherein a locking lug is adapted to be bent along a fold line that is generally parallel to a longitudinal axis of a support. However Rieth '222 fails to teach wherein a locking lug adapted to be bent into another one of the perforations. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified a locking lug to be adapted to be bent into the perforation wherein doing so would provide thereof for a maximum connecting interaction with the supports to increase stiffness.

Regarding claims 11-13, Rieth '222 discloses a fixing device as applied above, however Rieth '222 fails to teach wherein two claws on one of walls being bent along a first fold line in a first direction into the interior space and at least two claws on the other of two walls being bent along a second fold line parallel to the first fold line in the first direction away from the interior space. Since Rieth '222 discloses two walls (fig. 1), it would have been obvious to one of ordinary skill in the art at the time the invention was made to reversed one wall to form one direction away from the interior space while the other fold line is in a direction into the interior space wherein doing so would provide maximum connecting interaction with the supports to increase stiffness.

Regarding claim 15, Rieth '222 discloses two fixing plates with two lugs extending at a right angle from one end of a wall, and made by cutting and bending sheet metal, however, fails to specifically teach wherein a support is a substantially rectangular-section tube, and has a longitudinal slot at one corner. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add two more walls with one wall a bit smaller to form a rectangular-section tube with

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a longitudinal slot at one corner wherein doing so would provide maximum connecting interaction with the supports to increase stiffness.

Allowable Subject Matter

Claims 16-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Regarding claim 16, the prior art fails to teach a fixing device comprising a support having at least three walls being integral with and substantially perpendicular to the plate.

Response to Arguments

Applicant's arguments filed March 20, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument with claim 11 that Rieth '222 does not disclose wherein the support has two parallel walls and to make these two pieces a single integrally piece. It is noted that claim 11 is rejected under 35 U.S.C. 112, 2nd paragraph, and the reason is stated in the above 112 rejection.

Conclusion

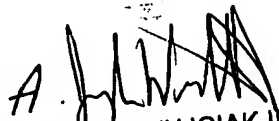
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd M. Epps
Patent Examiner
Art Unit 3632
March 29, 2007


A. JOSEPH WUJCIAK III
PRIMARY EXAMINER
TECHNOLOGY CENTER